

REMARKS

The foregoing amendment amends claims 1 and 25, and adds new claim 26. Pending in the application are claims 1-4 and 23-26, of which claims 1 and 25 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Interview

Applicants thank the Examiner for taking his time to discuss the issues in the Office Action during the telephone interview on August 8, 2005. Applicants also thank the Examiner for agreeing to the Applicants' arguments that the claimed invention is distinct from the cited prior art references. Applicants submit this Amendment and Response to the Office Action based on the discussion with the Examiner during the interview.

Claim Amendments

Applicants amend claims 1 and 25 to clarify the scope of the claimed invention. In particular, claim 1 is amended to recite that at least one of the cathode side separator or the anode side separator has a coolant channel on the face thereof opposite the face provided with the oxidant gas channel or the fuel gas channel, respectively. Claim 25 is amended to recite that a coolant channel is provided on the other face of one of the separators. Support for the claim amendments can be found in Figs. 1-4 and corresponding descriptions in the specification of the pending application. No new matter is added.

Rejection of Claims 1, 4 and 23-25 under 35 U.S.C. §102

Claims 1, 4 and 23-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,387,558 ("Mizuno"). Applicants respectfully traverse the rejection for the following reasons.

Amended claim 1 recites that at least one of the cathode side separator or the anode side separator has *a coolant channel* on the face thereof opposite the face provided with the oxidant

gas channel or the fuel gas channel, respectively. Amended claim 25 recites that *a coolant channel* is provided on the other face of one of the separators. Claims 4 and 23-24 depend upon claim 1.

Applicants respectfully submit that Mizuno fails to disclose that at least one of the cathode side separator or the anode side separator has *a coolant channel* on the face thereof opposite the face provided with the oxidant gas channel or the fuel gas channel, respectively, as recited in claim 1, and that *a coolant channel* is provided on the other face of one of the separators, as recited in claim 25.

Mizuno discloses in Fig. 1 a separator (30) having a recess portion (90) for an oxidant gas passage on one face and a recess portion for a fuel gas passage on the other face. Mizuno, however, does not disclose a cathode side separator or an anode side separator that has a coolant channel on the face thereof opposite the face provided with the oxidant gas channel or the fuel gas channel, respectively. In particular, Mizuno is silent about a cooling water circulation channel. See Mizuno, column 9, lines 9-12.

In light of the foregoing claim amendments and arguments, Applicants submit that Mizuno fails to disclose each and every element of claims 1 and 25. Applicants therefore request the Examiner reconsider and withdraw the rejection of claims 1, 4 and 23-25 under 35 U.S.C. §102(e), and pass the claims to allowance.

Rejection of Claims 2 and 3 under 35 U.S.C. §103

Claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,387,558 (“Mizuno”) in view of U.S. Patent Number 6,599,651 (“Saitou”). Applicants respectfully traverse the rejection for the following reasons.

Claims 2 and 3 depend upon claim 1, and add separate and patentable limitations to claim 1. Applicants respectfully submit that the combination of Mizuno and Saitou fails to teach or suggest that at least one of the cathode side separator or the anode side separator has a coolant channel on the face thereof opposite the face provided with the oxidant gas channel or the fuel gas channel, respectively, as recited in claim 1.

Saitou is cited by the Examiner to provide teachings for the limitations added in claims 2 and 3. Saitou teaches a method for manufacturing a separator by die casting. Saitou teaches in Fig. 8 a cooling separator (17) positioned between the anode electrode (3) and the anode side separator (5). Saitou, however, does not teach that a cathode side separator (6) or the anode side separator (5) has a coolant channel on the face thereof opposite the face provided with the oxidant gas channel or the fuel gas channel, respectively. Saitou simply teaches in Fig. 3 that a separator (41) has a cooling water induction port (46) and a cooling water discharging port (47), but does not teach that the separator (41) has a coolant channel on the face thereof opposite the face provided with the oxidant gas channel or the fuel gas channel.

In light of the foregoing claim amendments and arguments, Applicants submit that Mizuno and Saitou, in combination, fail to teach all of the limitations of claim 1. Claims 2 and 3, which depend upon claim 1, are not rendered obvious over the cited prior art references. Applicants therefore request the Examiner to reconsider and withdraw the rejection of claims 2 and 3 under 35 U.S.C. §103(a), and pass the claims to allowance.

New Claim

New claim 26 depends upon claim 1 and adds separate and patentable limitations to claim 1. New independent claim 26 recites that each of the cathode side separator and the anode side separator has the coolant channel on the face thereof opposite the face provided with the oxidant gas channel and the fuel gas channel, respectively. In light of the foregoing arguments, Applicants submit that new claim 26 is patentably distinct over the cited prior art references.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative.

Remarks

Applicant believes \$1,120.00 is due with this statement and requests an extension of time herewith. However, if an additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-020RCE from which the undersigned is authorized to draw.

Dated: August 15, 2005

Respectfully submitted,

By David R Burns

David R. Burns

Registration No.: 46,590

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant